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In re the application of:

WILLIAM M. SCOTT ET AL

Examining Attorney: **D. Walczak**

Serial No.: **09/539,874**

Group Art Unit: **3751**

Filed : **March 31, 2000**

For : **DEVICE FOR DISPENSING SUBSTANCE FROM A CARTRIDGE**

RESPONSE

RECEIVED

Commissioner of Patents and Trademarks
Washington, D.C. 20231

OCT 30 2003
TECHNOLOGY CENTER R3700

Sir:

Attorney for applicant hereby elects Species II, directed to a device for dispensing substance from a cartridge, such device including an internal motor (as expressed in claim 5).

The election is made with traverse, for the Examiner has admitted that independent claim 1 is generic. Dependent claim 4 points out that the drive train means (116) for driving the telescoping plunger assembly (assembly 76 comprising front rod 78, rear rod 80, turnbuckle 82, etc.) is powered by a reversible power source, such as drill 118 or a similar tool, such as a motorized screwdriver or grinder. Dependent claim 5 points out that the drive train means for driving the telescoping plunger assembly is powered by an internal motor... (note page 12, lines 16-19).

Dependent claims 4 and 5 therefor function in the usual sense of dependent claims, which is to introduce more specific recitations of the operative relationships expressed in parent and/or preceding claims. Claims 4 and 5 identify, with greater clarity, the nature of the "drive train means...", as expressed in the concluding clause of independent claim 1.

Consequently, dependent claims 4 and 5 introduce, non-essential, alternative drive train means... The requirement for an election of species between these two drive means, as

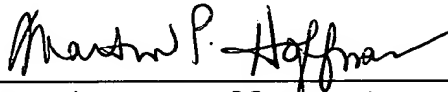
expressed in claims 4 and 5, is believed to be unwarranted, and should be withdrawn. Prompt and favorable consideration of claims 1-39 is clearly in order.

To complete the instant Response, attorney for applicant stresses that the following claims are properly grouped with the species of claim 5, the internal motor arrangement:

independent claim 1;
dependent claims 2-3;
dependent claims 5-39.

Prompt, and favorable, consideration of the instant Response is clearly in order.

Respectfully submitted,



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